

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.1065 and 1066 of 2008
& M.P.Nos.1 and 1 of 2008

Indian Overseas Bank
Foreign Exchange Department,
Sowcarpet Branch,
Chennai 600 079
in

.. Petitioner
both C.R.Ps'

Vs.

1.S.Kesarimal

2.Muhlenchemic GmbH,
Germaney Kornkamp – 402296
Ahrensburg, Germany.

3.Dresden Bank Ag,
Humberg Germany

.. Respondents
in both the C.R.Ps'

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decretal order dated 18.07.2006 made in C.M.A.Nos.10 & 8 of 2003 on the file of the Fast Track Court – III, Chennai, confirming the order passed in I.A.Nos.10713 & 8478 of 2002 in O.S.No.2905 of 2002 on 08.11.2002 on the file of the XII Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.R.Premkumar
for M/s.King and Partridge

For R1 : Mr.N.Senthil Kumar
for M/s.Sivam Sivanandaraj

For R2 & R3 : Not ready in notice

COMMON ORDER

These Civil Revision Petitions are filed against the fair and decretal order dated 18.07.2006 made in C.M.A.Nos.10 & 8 of 2003 on the file of the Fast Track Court - III, Chennai, confirming the order passed in I.A.Nos.10713 & 8478 of 2002 in O.S.No.2905 of 2002 on 08.11.2002 on the file of the XII Assistant Judge, City Civil Court, Chennai.

2. The parties and the issue involved in both the Civil Revision Petitions are one and the same, therefore, disposed of by this common order.

3. The petitioner is the second defendant, first respondent is the plaintiff and respondents 2 and 3 are the defendants 1 and 3 in O.S.No.2905 of 2002 on the file of the XII Assistant Judge, City Civil Court, Chennai. The first respondent filed the said suit against

the petitioner and respondents 2 and 3 for permanent injunction. She also filed I.A.No.8478 of 2002 for interim injunction. Initially interim injunction was granted on 06.06.2002. The petitioner filed I.A.No.10713 of 2002 to set aside the order of interim injunction dated 06.06.2002. The learned XII Assistant Judge, by the order dated 08.11.2002, made the interim injunction absolute and dismissed the I.A.No.10713 of 2002 filed by the petitioner. Against the said orders, petitioner filed two C.M.A.Nos.8 and 10 of 2003. The Additional District & Sessions Judge, Fast Track Court - III, dismissed both the C.M.As' by the order dated 18.07.2006, confirming the order of the learned XII Assistant Judge. Against the said judgment and orders, present Civil Revision Petitions are filed by the petitioner.

4. When the Civil Revision Petitions are taken up for hearing, the learned counsel appearing for the petitioner and first respondent submitted that the suit itself was decreed on 12.03.2010 and nothing survives in these Civil Revision Petitions.

5. Recording the submission made by the learned counsel for the petitioner and first respondent, both the Civil Revision Petitions

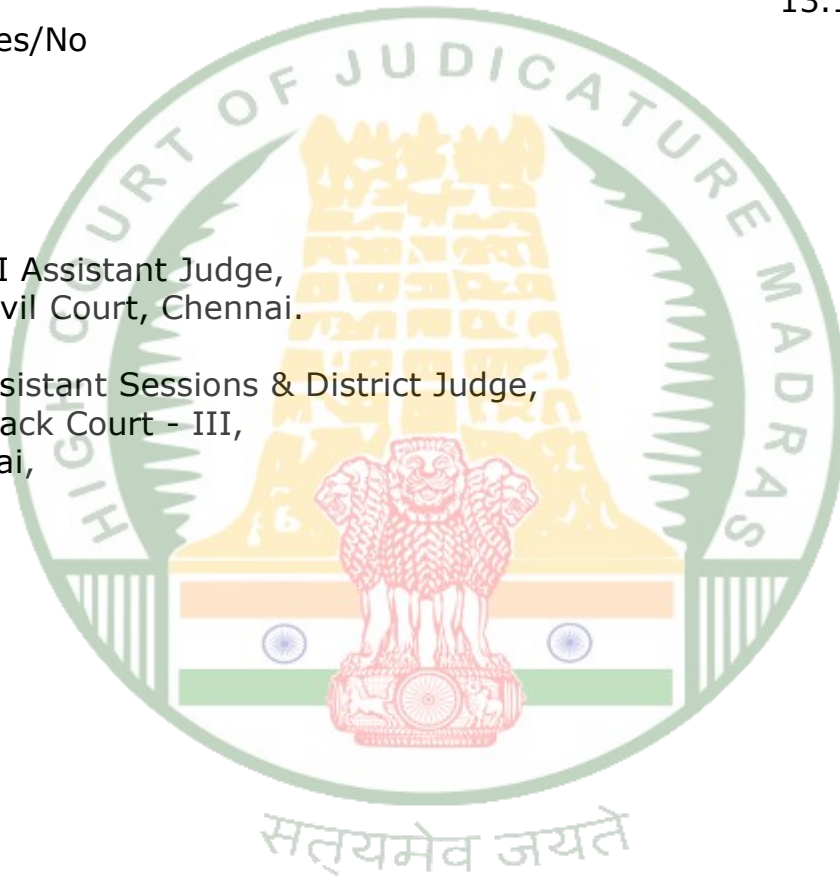
are dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

13.10.2017

Index: Yes/No
gsa

To

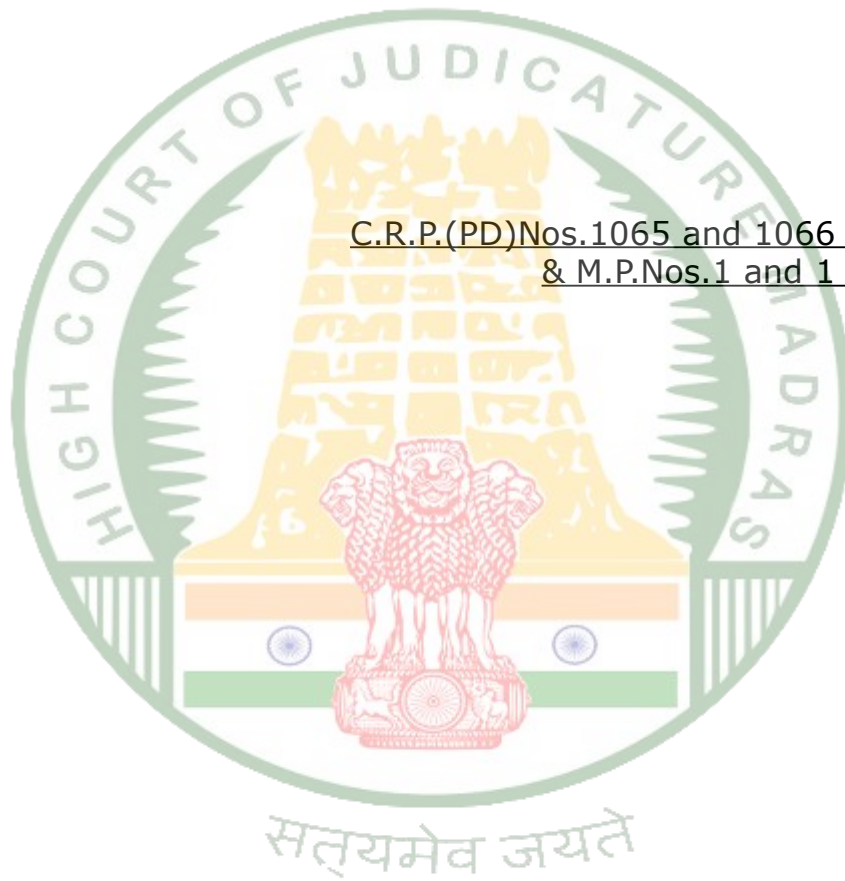
- 1.The XII Assistant Judge,
City Civil Court, Chennai.
- 2.The Assistant Sessions & District Judge,
Fast Track Court - III,
Chennai,



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V.M.VELUMANI,J.

gsa



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& M.P.Nos.1 and 1 of 2008

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